HOUSE COMMITTEE ON JUDICIARY

April 14, 2003 Hearing Room 357 1:00 p.m. Tapes 139-140

MEMBERS PRESENT:	Rep. Max Williams, Chair
	Rep. Gordon Anderson, Vice-Chair
	Rep. Robert Ackerman, Vice-Chair
	Rep. Jeff Barker
	Rep. Bob Jenson
	Rep. Jerry Krummel
	Rep. Greg Macpherson
	Rep. Floyd Prozanski
	Rep. Lane Shetterly
STAFF PRESENT:	Bill Taylor, Counsel
	Din Taylor, Counser
~	Ann Martin, Committee Assistant
MEASURE/ISSUES HEAR	Ann Martin, Committee Assistant
	Ann Martin, Committee Assistant
	Ann Martin, Committee Assistant RD: HB 2069 Work Session
	Ann Martin, Committee Assistant RD: HB 2069 Work Session HB 2073 Work Session
	Ann Martin, Committee Assistant RD: HB 2069 Work Session HB 2073 Work Session HB 2725 Work Session
	Ann Martin, Committee Assistant RD: HB 2069 Work Session HB 2073 Work Session HB 2725 Work Session HB 2729 Work Session

HB 2803 Work Session

These minutes are in compliance with Senate and House Rules. <u>Only text enclosed in quotation marks reports a speaker's exact words.</u> For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 139,	A	
003	Chair Williams	Calls the meeting to order at 1:09 p.m. Opens a work session on HB 2069.
HB 2069 W	ORK SESSION	
010	Craig Prins	Committee Counsel. Introduces HB 2069 which modifies provisions relating to motions in arrest of judgment and for new trials in criminal cases.
032	Rep. Prozanski	MOTION: Moves HB 2069 to the floor with a DO PASS
		recommendation.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
042	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. ACKERMAN will lead discussion on the floor.
044	Chair Williams	Closes the work session on HB 2069 and opens a work session on HB 2073.
HB 2073 W	ORK SESSION	
045	Bill Taylor	Committee Counsel. Introduces HB 2073 which creates State Court Facilities Task Force. Discusses the -2 amendments (EXHIBIT A).
094	Rep. Jenson	MOTION: Moves to ADOPT HB 2073-2 amendments dated

095 099	Chair Williams Rep. Jenson	04/11/03. VOTE: 8-0-1 EXCUSED: 1 - Krummel Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 2073 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means BY PRIOR REFERENCE.
		VOTE: 8-0-1
100	Chair Williams	EXCUSED: 1 - Krummel Hearing no objection, declares the motion CARRIED.
110	Chair Williams	Closes the work session on HB 2073 and opens a work session on HB 2725.
HB 2725 WOR		
117	Bill Taylor	Committee Counsel. Introduces HB 2725 which modifies the crime of giving false information to police officer to include service of warrants. Discusses -1 amendments from Rep. Prozanski (EXHIBIT B).
125 162	Rep. Prozanski Rep. Prozanski	Describes what amendments will do to the bill. MOTION: Moves to ADOPT HB 2725-1 amendments dated 04/11/03.
165	Vice Chair Anderson	Comments that bill is a good idea.
174		VOTE: 7-0-2
		EXCUSED: 2 - Krummel, Macpherson
175 184	Chair Williams Rep. Prozanski	Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 2725 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0-2 EXCUSED: 2 - Krummel, Macpherson
180	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
187	Chair Williams	Closes the work session on HB 2725 and opens a work session on HB 2729.
HB 2729 WORI	<u>K SESSION</u> Bill Taylor	Committee Counsel. Introduces HB 2729 which removes
190		requirement that name and address of person to whom court should disburse payments appear in money judgment in criminal action. Discusses the -1 amendments from Rep. Prozanski (EXHIBIT C).
200	Rep. Prozanski	MOTION: Moves to ADOPT HB 2729-1 amendments dated 04/02/03.
203	Rep. Prozanski	Clarifies the -1 amendments.
263	Vice Chair Anderson	Asks how these kinds of laws fit into the federal privacy laws.
270	Chair Williams	Responds that most information in a court file is public record so this would be exempting it from disclosure.
286	Vice Chair	States that what is confusing is that we are not amending the
297	Ackerman	public records act. VOTE: 8-0-1 EXCUSED: 1 - Krummel
298	Chair Williams	Hearing no objection, declares the motion CARRIED.
300	Rep. Prozanski	MOTION: Moves HB 2729 to the floor with a DO PASS AS AMENDED recommendation.

		VOTE: 8-0-1 EXCUSED: 1 - Krummel
309	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
313	Chair Williams	Closes the work session on HB 2729 and opens a work session on HB 2733.
HB 2733 WOR	<u>K SESSION</u>	
314	Bill Taylor	Committee Counsel. Introduces HB 2733 which reorganizes provisions relating to venue in violation cases. Discusses the -2 amendments from Rep. Prozanski (EXHIBIT D) .
338	Don Drogonali	Explains HB 2733 and the -2 amendments.
370	Rep. Prozanski Vice Chair	Asks which circuit court is identified on line 5 of the -2
570	Ackerman	amendments.
276		
376	Rep. Prozanski	Answers that they are not designating which circuit court.
391	Rep. Shetterly	Adds that the language in lines 5-9 covers which circuit court the violation is referred to.
405	Rep. Prozanski	MOTION: Moves to ADOPT HB 2733-2 amendments dated 04/11/03.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
406	Chair Williams	Hearing no objection, declares the motion CARRIED.
409	Rep. Prozanski	MOTION: Moves HB 2733 to the floor with a DO PASS AS
		AMENDED recommendation.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
422	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
433	Chair Williams	Closes the work session on HB 2733 and opens a work session on HB 2865.
HB 2865 WOR	K SESSION	
435	Bill Taylor	Committee Counsel. Introduces HB 2865 which allows district attorney to treat certain felonies as Class A misdemeanors.
		Discusses the -1 amendments (EXHIBIT E).
454	John Bradley	Multnomah County District Attorneys Office. Testifies in support of HB 2865.
TAPE 140, A		
017	Bradley	Continues his testimony in support of HB 2865.
062	Chuck French	Deputy District Attorney, Multnomah County. Discusses HB 2865.
140	Rep. Prozanski	States his concerns about broadness of bill.
161	Bradley	Responds that they could make amendments.
198	Rep. Barker	Points out how this bill could save money.
218	Kelly Skye	Oregon Criminal Defense Lawyers Association. Discusses bill.
210	Keny Skye	Says that they support the first portion of the bill, but oppose grand jury portion of bill.
289	Rep. Prozanski	Asks Ms. Skye if this was limited to chain of custody issues would she object to that portion of the bill.
295	Skye	Answers, no.
328	Rep. Barker	MOTION: Moves to ADOPT HB 2865-1 amendments dated
220	Den Dues 1	04/14/03.
330	Rep. Prozanski	States that he opposes the motion.
343	Rep. Jenson	Says he objects to the motion.

355		VOTE: 5-4-0 AYE: 5 - Anderson, Barker, Krummel, Shetterly,
		Williams NAY: 4 - Ackerman, Jenson, Macpherson, Prozanski
357	Chair Williams	NAY: 4 - Ackerman, Jenson, Macpherson, Prozanski The motion CARRIES.
360	Chair Williams	Closes the work session on HB 2865 and opens a work session on HB 2877.
HB 2877 WOR	K SESSION	
375	Bill Taylor	Committee Counsel. Introduces HB 2877 which requires that early disposition programs allow district attorney to make resolution offer to offenders before arraignment.
389	Chair Williams	Discusses constitutional issue of bill.
422	Vice Chair	MOTION: Moves HB 2877 to the floor with a DO PASS
420	Anderson	recommendation.
429	Rep. Shetterly	Says he is concerned about the balance between the government and the hand of individual rights when faced with the weight of prosecution.
460	Rep. Barker	Believes that the bill is a good opportunity to move cases quickly through the lower levels of the court.
TAPE 139, B		through the lower levels of the court.
029	Rep. Prozanski	Questions if the bill is needed.
057	Vice Chair Ackerman	Explains the two protections of counsel.
070		VOTE: 7-2-0
		AYE: 7 - Ackerman, Anderson, Barker, Jenson,
		Krummel, Macpherson, Williams
076	Chair Williams	NAY: 2 - Prozanski, Shetterly The motion CARRIES.
070		
		REP. ACKERMAN will lead discussion on the floor.
079	Chair Williams	REP. ACKERMAN will lead discussion on the floor. Closes the work session on HB 2877 and opens a work session on HB 2803
079 <u>HB 2803 WOR</u> 082		Closes the work session on HB 2877 and opens a work session on HB 2803.Discusses the -4 amendments (EXHIBIT F) of HB 2803 which authorizes Department of Corrections to enter into contract for
<u>HB 2803 WOR</u> 082	RK SESSION Chair Williams	Closes the work session on HB 2877 and opens a work session on HB 2803.Discusses the -4 amendments (EXHIBIT F) of HB 2803 which authorizes Department of Corrections to enter into contract for provision of corrections services in facilities out-of-state.
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200		VOTE: 8-1 AYE: 8 - Ackerman, Barker, Jenson, Krummel, Macpherson, Prozanski, Shetterly, Williams NAY: 1 - Anderson
205	Chair Williams	The motion CARRIES.
		REP. BARKER will lead discussion on the floor.
213	Chair Williams	Closes the work session on HB 2803 and adjourns the meeting at 2:16 p.m.

EXHIBIT SUMMARY

A – HB 2073, -2 amendments, dated 4/11/03, submitted by staff, 9 pgs.

B – HB 2725, -1 amendments, dated 4/10/03, submitted by Rep. Prozanski, 1 pg.

C – HB 2729, -1 amendments, dated 4/2/03, submitted by Rep. Prozanski, 1 pg.

D – HB 2733, -2 amendments, dated 4/11/03, submitted by Rep. Prozanski, 1 pg.

E – HB 2865, -1 amendments, dated 4/14/03, submitted by staff, 2 pgs.

F – HB 2803, -4 amendments, dated 4/14/03, submitted by staff, 1 pg.